

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Robert MARTUZA et al.

Title: REPLICATION-  
COMPETENT HERPES  
SIMPLEX VIRUS  
MEDIATES DESTRUCTION  
OF NEOPLASTIC CELLS

Appl. No.: 10/788,410

Appl. Filing Date: 3/1/2004

Examiner: Wu Cheng Winston Shen

Art Unit: 1632

Confirmation  
Number: 4953

**REQUEST FOR CONTINUED EXAMINATION (RCE)**  
**TRANSMITTAL**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. This RCE and the enclosed items listed below are being filed prior to the earliest of: (1) payment of the issue fee (unless a petition under 37 C.F.R. § 1.313 is granted); (2) abandonment of the application; or (3) the filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. §141, or the commencement of a civil action under 35 U.S.C. §145 or §146 (unless the appeal or civil action is terminated).

1. Submission required under 37 C.F.R. §1.114: (check items that apply)

## a. Previously submitted:

- ☐ Please enter and consider the amendment and/or reply previously filed on \_\_.
- ☐ Please consider the Affidavit(s)/Declaration(s) previously filed on \_\_ but not considered.
- ☐ Please consider the arguments in the Appeal Brief or Reply previously filed on \_\_.
- ☐ Other \_\_.

## b. Enclosed are:

- ☒ Amendment/Reply.
- ☐ Affidavit(s)/Declaration(s).
- ☐ Information Disclosure Statement.
- ☐ Form PTO/SB/08 with copies of \_\_ listed reference(s).
- ☐ Other .

## Miscellaneous:

- ☐ Suspension of action of the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_ months.

The filing fee is calculated below:

	Claims as Amended	Previously Paid For	Extra Claims Present	Rate	Fee Totals	
RCE Fee 1.17(e):				\$810.00	=	\$810.00
Total Claims:	9	- 20	= 0	x \$52.00	=	\$0.00
Independents	1	- 3	= 0	x \$220.00	=	\$0.00

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First presentation of any Multiple Dependent Claims: + \$390.00 = \$0.00

CLAIMS FEE TOTAL: = \$810.00

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[ X ] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

[ X ]	Extension for response filed within the first month:	\$130.00	1	\$130.00
[ ]	Extension for response filed within the second month:	\$490.00		\$0.00
[ ]	Extension for response filed within the third month:	\$1,110.00		\$0.00
[ ]	Extension for response filed within the fourth month:	\$1,730.00		\$0.00
[ ]	Extension for response filed within the fifth month:	\$2,350.00		\$0.00
	EXTENSION FEE SUBTOTAL:			\$130.00
	EXTENSION FEE ALREADY PAID: -			\$0.00
	EXTENSION FEE TOTAL			\$130.00
	CLAIMS AND EXTENSION FEE TOTAL:			\$940.00
[ X ]	Small Entity Fees Apply (subtract ½ of above):			\$470.00
[ ]	Suspension of action requested under 37 C.F.R. § 1.103(c)			\$0.00
	TOTAL FEE:			\$470.00

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The above-identified fees of \$470.00 are being paid by credit card via EFS-Web.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

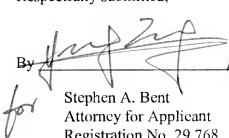
Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date 18 December 2008

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By

  
for Stephen A. Bent  
Attorney for Applicant  
Registration No. 29,768

YANG TANG  
Reg. No. 55,663